

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Police – Crime Investigation Department – Representation of Sri K.P.V.Subbaiah, Borrower, Charminar Cooperative Urban Bank and others for withdrawal of prosecution in Cr.No.3/2002, under sections 409, 420, 120-B of the Indian Penal Code and section 5 of Andhra Pradesh Protection of Depositors Financial Establishment Act, 1999 of Crime Investigation Department Police Station which is pending before Hon'ble Metropolitan Sessions Judge Court, Hyderabad vide C.C.No.6/02 – Accepted – Orders – Issued.

LAW (L.A. & J – HOME – COURTS-B) DEPARTMENT

G.O.Rt.No. 288

Dated:20.02.2009
Read the following:

1. Representation of Sri K.P.V.Subbaiah, Borrower, Charminar Cooperative Urban Bank, Hyderabad, Dt:10.01.2008.
2. Govt.Memo.No.1332/Leg.II/A1/2008, Dt:16.01.2008.
3. From the Director General of Police, A.P., Hyderabad, Lr.Rc.No.478/Compts-1/2008, Dt:19.03.2008.
4. Govt.Memo.No.10503/Courts-B2/2008-1, Dt:16.04.2008.
5. From the Addl.Director General of Police, CID, Hyderabad, Lr.C.No.6555/C27/CID/2002, Dt:27.04.2008.
6. G.O.Rt.No.1713, Home (Courts-B) Department, Dated:15.09.2008.

ORDER:

In the reference first read above, Sri K.P.V.Subbaiah (A33), Borrower, Charminar Cooperative Urban Bank, has stated that he was a borrower from the Charminar Cooperative Urban Bank Ltd., Hyderabad in four (4) accounts and facilitated to two (2) bank loans. Later, he repaid an amount of Rs.18,61,75,525 (Rupees Eighteen Crores, Sixty One lakhs, Seventy five thousand, five hundred and twenty five only) and cleared all the loan accounts and no amount is due to Bank. The Persons Incharge Committee Meeting held on 27.12.2007 observed that due to settlement of loan accounts and cooperation extended, it was resolved that Sri K.P.V.Subbaiah is free from civil liability, as far as Charminar Cooperative urban Bank Ltd is concerned. Further, it was resolved that it is not interested in pursuing the criminal case against the accused in future and requested to withdraw the same. He has requested to withdraw prosecution in Cr.No.3/2002, under sections 409, 420, 120-B of the Indian Penal Code, 1860 and Section 5 of Andhra Pradesh Protection of Depositors Financial Establishment Act, 1999 against the accused A-32, A33, A34, A35, A36 and A37, of Crime Investigation Department Police Station, Hyderabad which is pending before Hon'ble Metropolitan Sessions Judge Court, Hyderabad vide C.C.No.6/02.

2) In the references second and fourth read above, the remarks of the Director General of Police, Andhra Pradesh, Hyderabad and the Addl. Director General of Police, Crime Investigation Department, were called for respectively.

3) In the reference third and fifth read above, the Director General of Police, A.P., Hyderabad while enclosing the report of Addl. Director General of Police, Crime Investigation Department, Hyderabad and the opinion of Special Public Prosecutor has not recommended for withdrawal of prosecution against Sri K.P.V.Subbaiah in Cr.No.3/2002 and informed that Sri K.P.V.Subbaiah, the accused No.33, is one of the top borrowers of the Charminar Cooperative Urban Bank Ltd., Hyderabad, who entered into criminal conspiracy with his relatives and employee and figured as Accused 34 to 49 to swindle away the amounts deposited by the depositors in the said Bank. They borrowed an amount of Rs.26.45 Crores, by mortgaging their agricultural lands. The accused did not invest any amount borrowed from the said Bank to develop the business nor did they repay the amounts to the Bank as on the date of filing of Charge Sheet. Further, if the accused (Sri K.P.V.Subbaiah) had paid back the entire loan amount, that absolves the accused only of civil liability and does not necessitate any modifications in the criminal action that is being taken against the said accused.

p.t.o....

4) In the reference sixth read above, Government have issued withdrawal orders in respect of Sri K.P.V.Subbaiah (A33) in Cr.No.3/2002, under sections 409, 420, 120(B) of the Indian Penal Code, 1860 and Section 5 of Andhra Pradesh Protection of Depositors Financial Establishment Act, 1999 of Crime Investigation Department Police Station which is pending before Hon'ble Metropolitan Sessions Judge Court, Hyderabad vide C.C.No.6/02.

5) In the reference first read above, Sri K.P.V.Subbaiah has further requested the Government to withdraw prosecution against other accused i.e., A32, A34, A35, A36 and A37, borrowers of Charminar Cooperative Urban Bank Ltd., Hyderabad, in Cr.No. Cr.No.3/2002, under sections 409, 420, 120(B) of the Indian Penal Code, 1860 and Section 5 of Andhra Pradesh Protection of Depositors Financial Establishment Act, 1999 of Crime Investigation Department Police Station which is pending before Hon'ble Metropolitan Sessions Judge Court, Hyderabad vide C.C.No.6/02 on the same and similar grounds

6) Government after careful examination of the matter, based on the material made available have decided to withdraw prosecution against other accused i.e., A32, A34, A35, A36 and A37, borrowers of Charminar Cooperative Urban Bank Ltd., Hyderabad, in Cr.No.3/2002, under sections 409, 420, 120-B of the Indian Penal Code, 1860 and section 5 of Andhra Pradesh Protection of Depositors Financial Establishment Act, 1999 of Crime Investigation Department Police Station which is pending before Hon'ble Metropolitan Sessions Judge Court, Hyderabad vide C.C.No.6/02.

7) The Collector and District Magistrate, Hyderabad District is, therefore, directed to instruct the Assistant Public Prosecutor concerned to file a petition under section 321 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) for withdrawal of prosecution against the following accused mentioned below in Cr.No.3/2002, under sections 409, 420, 120-B of the Indian Penal Code, 1860 (Central Act 45 of 1860) and section 5 of Andhra Pradesh Protection of Depositors Financial Establishment Act, 1999 of Crime Investigation Department Police Station, which is pending before Hon'ble Metropolitan Sessions Judge Court, Hyderabad vide C.C.No.6/02, under intimation to Government.

1. M/s.Sri Sai Engineering Constructions Co., 155, Ashoknagar (A32), Rep., by Sri K.P.V.Subbaiah;
2. M/s.Suprabhat Power & Agro, 155, Ashok Nagar, Hyderabad, Rep., by Sri P.Uma Shankar (A34)
3. Sri Pagadala Uma Shanker, S/o.P.Seetha Ramaiah, Managing Director, Suprabhath Power and Agro Limited, R/o.Jawaharnagar, RTC Cross Roads, (A35);
4. M/s.Gateway builders, 155, Ashoknagar, Hyderabad, Rep. by Sri K.Ravi Shankar (A36); and
5. Sri Kondabathula Ravi Shanker, S/o.Narsimha Murthy, Managing Director, Gate-way Builders, R/o.H.No.TRT-22, Vidyanagar, Hyderabad (A37)

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.RAMACHANDRA REDDY,
SECRETARY TO GOVERNMENT
LEGISLATIVE AFFAIRS & JUSTICE

To
The Collector & District Magistrate, Hyderabad.
The Director General of Police, A.P., Hyderabad.
The Addl.Director General of Police, CID, Hyderabad.
The Assistant Public prosecutor concerned (thro' Collector concerned)
Copy to: The Law (E) Department
The P.S. to Secretary (L.A. & J) Dept.,
Sf/Sc.

// forwarded :: by order //

Section Officer